



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APR 30 2002

Paper No. 9

In re Application of :
William Bellis Somers *et al* : COMMUNICATION
Application No. 09/551,445 :
Filed: April 18, 2000 :
Attorney Docket No. 600.1048 :

This letter serves to acknowledge the papers filed by facsimile transmission April 11, 2002. These papers comprise a copy of a return receipt postcard, a copy of a reply to a restriction requirement and a copy a transmittal letter for the reply.

Had these papers been submitted prior to the mailing of a holding that this application stands abandoned, as reflected by the mailing of the Notice of Abandonment on April 4, 2002, they would have been acceptable pursuant to current Office practice of accepting duplicate papers which have been filed to replace missing originals of timely filed papers. The "message" on the facsimile transmission sheet would have been acceptable as a statement that the transmitted papers were copies of items actually filed by reason of the signature of Jan Decker, who is the person that signed the 37 CFR 1.8 certificate of mailing affixed to the transmittal letter.

However, because the papers filed on April 11, 2002 were transmitted after the holding of abandonment, the papers must be considered as being a petition under 37 CFR 1.181 to withdraw the holding of abandonment. As there is no statement or request for relief that has been signed by a registered patent practitioner, the papers cannot be accepted as a petition.

Petitioner is advised that a proper petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment should be promptly filed. No fee is required for the petition. The petition must be signed by a registered patent practitioner, and can simply request withdrawal of the holding of abandonment in view of the showing previously filed in the Office on April 11, 2002. The petition should also include a statement that the papers comprising the April 11, 2002 showing are in fact copies of the previously filed reply to the Office letter dated August 8, 2001. The petition may be filed by facsimile transmission to (703) 305-3762, directed to the attention of the undersigned.

The application is being retained in Technology Center 3700 pending further action by petitioner.

Any questions regarding this communication may be referred to the undersigned at (703) 308-3872.

Stephen Marcus, Special Program Examiner
Patent Examining Groups 3710 and 3720

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